

Examiner contends that it would be obvious to modify the col. 2, line 40 to col. 3, line 30 disclosure of Elliott to include this feature since to do so "allows user composition of screen layout."

As discussed below, it is Applicant's position that, even if the cited portion of Elliott discloses all of the features of claim 1 except "user-specified position for sub-window move to main window" (which Applicant does not agree), Elliott teaches away from "moving a display position of said sub window to a user-specified position." It is for at least these reasons that Applicant respectfully traverses the obviousness rejection as being improper.

First, in the cited portion of the Elliott disclosure, Elliott addresses the problem discussed in his Background of a new window being displayed such that "a default position for the new window is typically selected, such as the center of the new parent's window." Col. 1, lines 29-40. Significantly, Elliott further notes in his Background that a disadvantage of this particular default selection is that "the user may have to manually move new window 103 out of the way in order to view the snapshot, before responding to the prompt of new window 103." Col. 1, lines 41-52.

Thus, Elliott discloses a display program that, in order to avoid the aforementioned inconvenience, determines whether there is enough room to place the new window without obscuring information displayed within the parent window and, if so, the new window is so displayed. (col. 3, lines 11-14). For example, Fig. 2 cited by the Examiner discloses the new window 203 being created to the right of the parent window 202, with a gutter illustrated by "G" in Fig. 2. Thus, Elliott is directed to automatic generation and placement of a new window to overcome the disadvantage of the prior art -- namely, having to manually place the new window. Significantly, Elliott does not even address a "user-specified position" because Elliott wants to take this control (and bother) away from the user.

A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from

following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant. In re Gurley, 31 USPQ2d 1139 (Fed. Cir. 1994). Here, where Elliott discourages user composition of screen layout, and instead encourages automatic composition of screen layout, Elliott teaches away from modifying his own device (which, after all, he developed to automate the window generation and placement) to incorporate user placement of the window. In view of this, the Examiner's assertion that it would have been obvious to modify Elliott to include the recited display position removing means "because it allows user composition of screen layout" is *exactly contrary* to Elliott's stated goal of saving the user the task of manually moving the new window out of the way.

Thus, the Examiner's assertion that it would be obvious to modify Elliott is improper. For at least this reason, Applicant respectfully requests that the rejection be withdrawn and that this application be passed to allowance. If the Examiner continues to maintain the obviousness rejection, Applicant respectfully requests the Examiner to specifically address Applicant's "teaching away" argument.

Respectfully submitted,
LIMBACH & LIMBACH L.L.P.

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By: 

Alan S. Hodes
Reg. No. 38,185

Attorneys for Applicant(s)